



# Hendry County Sheriff's Office

## General Order 11.3

<b>TITLE:</b> Grievances	<b>SHERIFF'S APPROVAL:</b> Digital
<b>ORIGINATION DATE:</b> August 4, 2018	<b>REVISION DATE:</b> May 23, 2019
<b>RELATED REFERENCES:</b> § 30.07, F.S., § 30.09, F.S., <i>Collective Bargaining Agreement</i>	
<b>CFA:</b> 6.01M, 6.02, 6.03, 7.06	
<b>REVIEW FREQUENCY:</b> 3 YEARS	<b>DATE OF NEXT REVIEW:</b> May 23, 2022

**I. PURPOSE:** The purpose of this order is to give members an understanding in the grievance process.

**II. SCOPE:** This order shall apply to all sheriffs' office members.

**III. POLICY:** The Agency encourages informal discussions of complaints, which should be held with the intention of reaching an understanding that will resolve the matter in a satisfactory manner without need for recourse to initiate a formal grievance. Any unresolved complaint, identified as an action, directive, event or condition in the work environment may be subject to the grievance procedure. Employees may exercise their right to use the grievance procedure without fear of reprisal, restraint, coercion, discrimination, or retaliation.

### **IV. PROCEDURE:**

#### **A. Complaint**

An employee complaint should first be made to the employee's immediate supervisor, unless the immediate supervisor is involved in the complaint. In such a case, the employee may submit the complaint to the next supervisor in their chain of command. The complaint must be submitted within five business days following the occurrence of the incident or most recent occurrence of a series of incidents that the employee has been unable to resolve. Supervisors should make every effort to resolve the complaint informally. Employees with unresolved complaints may use the grievance process within five days after the date of the discussion.

#### **B. Grievance Steps**

Specified time limits in each step must be observed. Failure by an employee to adhere to the time limits will render the grievance resolved or abandoned. Failure by Command to adhere to the time limits will automatically advance the grievance to the next step.

##### **1. Step 1**

- a. For the purpose of tracking and accountability, the member shall submit a copy of the grievance to Human Resources (HR). Human Resources will then give the grievance a tracking number. The grievance shall be prepared on the memorandum form to the Command Staff member in their chain of command within ten days following the occurrence of the event giving rise to the grievance, or five days after the unresolved conclusion of a complaint discussion. The grievance must provide a brief explanation of the facts upon which it is based, the allegation of the specific wrongful act and harm done, and the remedy or adjustment sought.
- b. Within ten days of receiving the grievance, the Command Staff member will meet with the grievant, and will provide a written decision to the grievant. In the event the grievance and/or the remedy sought is to be rejected, in whole or in part, the reason(s) that formed the rationale for the rejection shall be included in the written decision.

2. Step 2
  - a. If the grievance is not resolved at Step 1, the employee may submit a Step 2 grievance containing the same information in writing to the Chief Deputy, via the employee's chain of command, within ten days after receipt of the Step 1 decision. If the grievance is being initiated at Step 2 due to the Command Staff member being involved in the grievance, the grievance must be submitted within ten days of the occurrence giving rise to the grievance.
  - b. Within seven days of receiving the Step 2 grievance, the Chief Deputy or designee will meet with the grievant to discuss the grievance and provide a written decision. The timeframe may be extended if the Chief Deputy is out of town during the seven days. In the event the grievance and/or the remedy sought is to be rejected, in whole or in part, the reason(s) that formed the rationale for the rejection shall be included in the written decision.
3. Step 3
  - a. If the grievance is not resolved in Step 2, the employee may present the written grievance containing the same information to the Sheriff within five days after receipt of the Step 2 decision. If the grievance is being initiated at Step 3 due to the Command Staff member or Chief Deputy being involved in the grievance, the grievance must be submitted within ten days of the occurrence giving rise to the grievance.
  - b. Within ten days of receiving the Step 3 grievance, the Sheriff or designee will meet with the grievant to discuss the grievance and will provide a written decision within ten days of that meeting. The timeframe may be extended if the Sheriff is out of town during the ten days. In the event the grievance and/or the remedy sought is to be rejected, in whole or in part, the reason(s) that formed the rationale for the rejection shall be included in the written decision.
4. Appeal
  - a. Employees not covered by a collective bargaining agreement: The decision made in Step 3 by the Sheriff is final and binding and may not be appealed.
  - b. Employees covered by a collective bargaining agreement: If the grievance is not resolved during Step 3 and violates the collective bargaining agreement, the decision made may be appealed to an arbitrator.
  - c. Written reprimands may be grieved through Step 2. The decision at that point is final.

## C. Administration

1. Supervision will acknowledge receipt of a grievance at each step of the process by noting the date, time, and person receiving the grievance. All written responses, after a thorough analysis of the facts and allegations, will affirm or deny the allegation and identify the remedy or decision.
2. Human Resources will act as the coordinator of the grievance procedure, and will maintain and control the records of all grievances in a secure area not accessible to unauthorized persons.
3. Employees may be represented in the presentation of a grievance, appeal, or contract grievance by a person of their choice. If a meeting is held during working hours, or requires reasonable travel time of any required participating employee, such employee shall be excused from duty without loss of pay for that purpose. Non-mandatory attendance of meetings outside of the regular working hours shall not be deemed as actual time worked. Employees must notify their immediate supervisor upon scheduling of any meeting requiring the employee's attendance during work hours.

#### D. Collective Bargaining Agreement

Additional information applicable to bargaining unit members regarding grievances, arbitration, and discipline dispute resolution process may be found in bargaining unit agreements.

#### E. Management Prerogatives

1. The following areas of administration are considered prerogatives of management, and, as such, will not be subject to the grievance procedure.
  - a. Assignment of work and workstations.
  - b. Establishing work standards and quality.
  - c. Size of work force and reorganizations.
  - d. Reductions to work force.
  - e. Appropriations and budgets.
  - f. Scope of work within job classifications.
  - g. Evaluations of employee performance.
  - h. Assignment pay award or removal.
  - i. The right to discipline with just cause.
  - j. The mission of the Sheriff's Office.

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#### V. GLOSSARY:

**COMPLAINT** – A statement of employee dissatisfaction concerning any action, condition, or event in the work environment. The condition or events must be specific, job related, and have caused an employee harm. Actions involve the interpretation, application or enforcement of policies, procedures, and special orders.

**DAY** – For purposes of time limits day will mean working days; i.e., Monday through Friday. However, if the last day of any time limit specified falls on a holiday or weekend, the time limit shall extend until the end of the next business day.

**GRIEVANCE** – A formal complaint or dispute made by an employee involving the interpretation or application of a rule or disciplinary action that has been applied unjustly, or where some condition of employment is perceived to be unfair or unjust.

**IMMEDIATE SUPERVISOR** – The individual who normally has the responsibility for scheduling, assigning and reviewing the work of the employee; and to whom the employee customarily reports to for direction and instruction concerned with work assignments on a regular basis.

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**Your electronic signature in Power DMS acknowledges you have read this policy and understand it.**